

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

v.

**ERIC MONCADA; BES CAPITAL LLC; and
SERDIKA LLC.**

Defendant(s).

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Civil Action No. 12-cv-8791 (CM)
(GWG)

**PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S
MOTION FOR STAY OF DEADLINES**

Plaintiff U.S. Commodity Futures Trading Commission (“CFTC”) requests that this Court stay all deadlines, including discovery deadlines, in this matter currently set on or after October 1, 2013, pending a possible government shutdown. Defendant Moncada’s counsel does not oppose the relief sought in this motion. No other parties have appeared in this matter.

The Federal Government is presently operating under a continuing resolution that is set to expire on September 30, 2013. Should Congress fail to enact a federal budget for this fiscal year, or otherwise extend the continuing resolution presently in place, the CFTC will shut down, and all non-essential employees will be furloughed and prohibited by law from performing actions related to their employment. *See* 31 U.S.C. § 1341 (“Anti-Deficiency Act”). For the CFTC, this includes complying with the Court’s deadline for the close of all discovery (currently set for November 13, 2013) and the deadline for submitting a joint pre-trial order and filing any dispositive motions (currently set for December 15, 2013).

The CFTC is taking steps to prepare for a possible shutdown to ensure (a) that it complies with all of its obligations before this Court; and (b) that it does not violate the Anti-Deficiency

Act. Accordingly, the CFTC requests that, in the event of a shutdown, the Court stay all deadlines, including discovery deadlines, in this case until such time as undersigned counsel's employment status is reinstated. Upon reinstatement of the employment status of the undersigned counsel, the CFTC shall seek to lift the stay and, with consultation with counsel for Defendants, request the Court set new deadlines.

Respectfully submitted,

/s/ Andrew Ridenour

Richard Glaser (Member, New York State Bar
and U.S. District Court for the Southern District
of New York Bar No. RG8652)

Andrew Ridenour (D.C. Bar No. 501628)

Brian M. Walsh (Member, Maryland Bar)

Kenneth McCracken (Missouri Bar No. 44049)

U.S. Commodity Futures Trading Commission
1155 21st Street, NW

Washington, DC 20581

Tel: (202) 418-5358 (Glaser)

Tel: (202) 418-5438 (Ridenour)

Tel: (202) 418-5116 (Walsh)

Tel: (202) 418-5348 (McCracken)

Fax: (202) 418-5937

rglaser@cftc.gov

aridenour@cftc.gov

bwalsh@cftc.gov

kmccracken@cftc.gov

Dated this 30th day of September, 2013.

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2013 I caused this Motion for Stay of Deadlines to be served via electronic mail upon:

Eric Moncada
Through Counsel Richard Asche
richardasche@lagnyc.com

By: /s/ Andrew Ridenour
Andrew Ridenour